

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Christopher Loyd Ivey,

Civil No. 04-4102 (RHK/SRN)

Plaintiff,

v.

ORDER

Whitney M. Colyer, Sean M. McNichols,
Randal J. Landucci, Jeffrey L. Peterson,
and Jane Doe,

Defendants.

Based upon the undersigned's de novo review of Magistrate Judge Susan Richard Nelson's Report and Recommendation and Plaintiff's Objections thereto, and for the reasons set forth by Judge Nelson, **IT IS ORDERED:**

1. Plaintiff's Objections (Doc. No. 31) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 29) is **ADOPTED**;
3. Defendants Whitney M. Colyer, Randal J. Landucci, and Jeffrey L. Peterson's Motion to Dismiss (Doc. No. 7) is **GRANTED**;

4. Plaintiff's Motion for Leave to File an Amended Complaint (Doc. No. 15) is **DENIED**;

5. Plaintiff's Motion to Strike Affidavit (Doc. No. 16) is **DENIED**;
6. Plaintiff's Motion to Appoint Counsel (Doc. No. 17) is **DENIED**; and
7. All claims asserted against Whitney M. Colyer, Randal J. Landucci, and Jeffrey

L. Peterson are **DISMISSED WITH PREJUDICE**; and

8. The Court expressly determines that there is no just reason for delaying the entry of judgment with respect to claims asserted against Colyer, Landucci and Peterson and the Clerk is directed to enter judgment dismissing said claims with prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 15, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge